

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert M. Jones et al. Art Unit : 1624
Serial No. : 10/541,657 Examiner : Jeffrey H. Murray
Filed : March 3, 2006 Conf. No. : 4098
Title : 1,2,3-TRISUBSTITUTED ARYL AND HETEROARYL DERIVATIVES AS
MODULATORS OF METABOLISM AND THE PROPHYLAXIS AND
TREATMENT OF DISORDERS RELATED THERETO SUCH AS DIABETES
AND HYPERGLYCEMIA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.182 TO REQUEST EXPEDITED
CONSIDERATION OF A PETITION UNDER 37 C.F.R. §§ 1.144 AND 1.181**

Under 37 C.F.R. § 1.182 Applicants hereby petition for expedited consideration of their petition under 37 C.F.R. §§ 1.144 and 1.181 for further review of the requirement for restriction made in the above-captioned application.

I. Statement of Facts

Applicants are filing herewith a petition under 37 C.F.R. §§ 1.144 and 1.181 for further review of the requirement for restriction made in the above-captioned application. The relevant facts pertaining to that petition are set forth therein.

The claims of the application have been rejected in a final office action dated May 13, 2010. Applicants are also filing a response to that Office Action herewith.

II. Points to Be Reviewed and the Action Requested

Applicants request expedited review of the accompanying petition under 37 C.F.R. §§ 1.144 and 1.181 and issuance of a decision prior to the final deadline of November 15, 2010 for responding to the final Office Action.

III. Remarks

In previous Petition Decisions, the Office has indicated that “a request for expedited rendering of a decision” can be considered upon the submission of a petition under 37 C.F.R. § 1.182. *See* Petition Decision, dated March 11, 2010 for Appl. Ser. No. 10/506,005.

Applicants understanding is that petitions under 37 C.F.R. §§ 1.144 and 1.181 requesting reconsideration of a restriction requirement would normally be taken up for consideration in the order in which they are received. Applicants further understand that the average time for deciding such a petition is about 100 days. *FY09 Restriction Petition Update; Comparison of US and National Stage Restriction Practice*, J. Burke (Slide set presented at U.S Patent and Trademark Office Biotechnology/Chemical/Pharmaceutical Customer Partnership Meeting, December 2009, slide 2) (available online at http://www.cabic.com/bcp/120909/JBurke_RCandRPR.ppt). Applicants note that a previous petition in this matter on June 9, 2009 was not decided until December 4, 2009, almost 6 months after it was filed. Applicants further understand that an Office Action should not be mailed while a petition requesting review of a restriction requirement is pending.

Since the Application is under final rejection, unless the decision on the accompanying petition results in the application being returned to the Examiner for action on the withdrawn claims, or the Examiner issues a Notice of Allowance, Applicants will be required to file a Request for Continued Examination or Notice of Appeal, as well as paying extension of time fees, no later than November 15, 2010 to avoid abandonment of the application, even though the petition might still be pending at that date.

In order to avoid potential prejudice from such a delay, Applicants respectfully request expedited consideration of and decision upon the accompanying Petition under 37 C.F.R. §§ 1.144 and 1.181 which is being filed herewith. Applicants would appreciate receiving a decision on the Petition well in advance of the November 15, 2010 final deadline.

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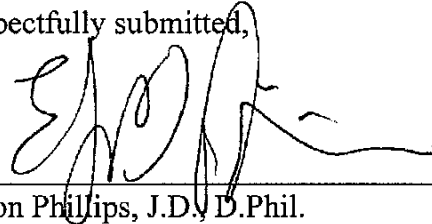
Attorney's Docket No.: 20750-0007US1 / 034.US5.PCT

Please apply the petition fee under 37 C.F.R. 1.17(f) and any other charges or credits to
Deposit Account No. 06-1050 referencing Attorney's Docket No. 20750-
0007US1 / 034.US5.PCT.

Date: _____

August 13, 2010

Respectfully submitted,



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